

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JUAN MATA, on his own behalf  
and as Parent and Next Friend of  
JAM and GM, minors,**

Plaintiffs,

vs.

**No. CIV 10-366 JB/LFG**

**OFFICER TYLER RAHN AND OFFICER JOHN AHLM,**

Defendants.

**JOINT MOTION TO AMEND THE JUDGMENT ENTERED  
ON JUNE 30, 2011 AS TO DEFENDANT OFFICER TYLER RAHN**

Defendant, Officer Tyler Rahn (hereinafter referred to as “Officer Rahn”), through his attorneys, Robles, Rael & Anaya, P.C. (Luis Robles, Esq. and Terri Sauer Beach, Esq.), and Plaintiff, Juan Mata (“Mata”), through his attorney, Santiago Juarez, Esq. and pursuant to Federal Rule of Civil Procedure 59(e), respectfully request that this Court amend the Final Judgment entered on June 30, 2011 [Doc. No. 125] (“Final Judgment”). The Parties are seeking an amendment of the Final Judgment solely as to Officer Rahn.

As the parties explain below, Plaintiff is filing a separate Notice of Voluntary Dismissal with Prejudice of Claims against Officer Rahn. Accordingly, the parties ask that the Final Judgment should be amended to dismiss all claims against all Defendants, except Mata’s claims against Officer Rahn.

### **Pertinent Background**

On June 30, 2011, after a full trial the jury returned a verdict that Officer Rahn did use excessive force against Mata. See Verdict, p. 1, filed June 30, 2011 [Doc. No. 131]. However, the jury found that Officer Rahn was not the proximate cause of Mata's damages. Id. Accordingly, this Court dismissed all claims against Officer Rahn in the Final Judgment.

On July 7, 2011, Mata filed a Motion to Partially Vacate the Judgment and to Award a New Trial on the Issues of Damages as to Defendant Tyler Rahn [Doc. No. 132] ("Motion to Vacate"). The parties completed briefing on the Motion to Vacate on August 4, 2011. See Notice of Completion of Briefing on Plaintiff's Motion to Vacate, filed August 4, 2011 [Doc. No. 140]. On November 15, 2011, this Court held a hearing on the Motion to Vacate. See Clerk's Minutes [Doc. No. 145]. This Court declined to rule from the bench on the Motion to Vacate and informed the parties that the Court would be entering an Order ruling on the Motion to Vacate. Id.

In the meantime, parties came to a settlement agreement regarding Mata's claims against Officer Rahn. On December 1, 2011, Mata filed an Unopposed Motion to Dismiss all Claims Against Defendant Tyler Rahn [Doc. No. 149] ("Motion to Dismiss"). On March 15, 2012, this Court's chambers contacted the parties and notified them that the Motion to Dismiss was not the proper procedure to dismiss claims against Officer Rahn, because the Final Judgment had already disposed of those claims.

The Court has the intrinsic power to correct a judgment so that it conforms to the parties' agreement. If this Court amends the Final Judgment so that it does not dispose of Mata's claims

against Officer Rahn, Plaintiff will file a separate Notice of Voluntary Dismissal with Prejudice of Claims against Officer Rahn.

**WHEREFORE**, the Parties respectfully request that the Court grant their Joint Motion to Amend Judgment as to Defendant Officer Tyler Rahn.

Respectfully submitted,

ROBLES, RAEL & ANAYA, P.C.

By: /s/ Luis Robles  
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Approved by:

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I hereby certify that a copy of  
the foregoing was served  
electronically via CM/ECF  
this 23<sup>rd</sup> day of April 2012 to:

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